APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,857	04/25/2001	Harry M. Gilbert	114292.1681	7218

30734	7590	05/19/2004	

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EXAMINER
ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2126	5

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No.		Applicant(s)	
Office Action Summary			09/841,857		GILBERT ET AL.	
			Examiner		Art Unit	
			Charles E Anya		2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3/</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2001</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/25/01</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 are pending in this application.

Specification

2.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed. The current title is imprecise.

Please change the title to reflect as follows: "A computer-assisted method for

communicating from a first software application to a second software application using

shared memory and signaling the second software application of the presence of data in

the shared memory".

3.   Applicant's application filed on 4/25/01 includes a section described as

"Miscellaneous", Examiner would request that Applicant clarify the section marked

"Miscellaneous" with reference to the specification (i.e. It is uncertain whether this

"Miscellaneous" is required to make the invention work and how it relates to the

specification).

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   **Claims 6,13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

6.   Claims 6 and 14 recites the limitation "the delivering step" in lines 11 and 12 respectively. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this office action the examiner would assume that the phrase "the delivering step" means "a delivering step".

7.   Claim 13 recites the limitation "the second signal" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this office action the examiner would assume that the phrase "the second signal" means "the signal".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   **Claim 1,4-7,10,11,13-15,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,375,219 to Okabe in view of U.S. Pat. No. 5, 592,664 to Starkey.**

10.   As to claim 1, Okabe teaches a computer-assisted method of facilitating communication between a plurality of computer (Unit A/B figure 2), comprising the steps of: performing a storage operation (Col. 2 Ln. 25) from a first computer to a first data element included within a data memory wherein the data memory is shared by a plurality of computer, the plurality of computers comprising at least the first computer and a second computer and providing the second computer with a signal responsive to the storage operation (Col. 2 Ln. 24 – 26).

11.   Okabe is silent with reference to the communication between computer software applications and the storage operation is to a data element included within a data set.

12.   Starkey teaches the communication between computer software applications (Col. 4 Ln. 38 – 51) and the storage operation is to a data element included within a data set (Col. 4 Ln. 38 – 42, Col. 6 Ln. 30 – 37).

13.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Starkey and Okabe because the teaching of Starkey would improve the system of Okabe by providing notification when certain data has been modified (Col.6 Ln. 43 – 47).

14.   As to claim 4, Okabe as modified teaches the method of claim 1, comprising the additional steps of identifying at least one additional computer software application that is in communication with the data set and delivering the signal to the at least one additional computer software application (figure 3 Ln. 1 – 48).

15.   As to claim 5, Okabe as modified is silent with reference to the method of claim 1, wherein identifying information relating to the second computer software application is not required by the first computer software application.

16.   Starkey teaches the method of claim 1, wherein identifying information relating to the second computer software application is not required by the first computer software application (Col. 16 Ln. 35 – 53).

17.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Starkey and Okabe because the teaching of Starkey would improve the system of Okabe by providing a means of initializing processes (Col.16 Ln. 29 – 35).

18.   As to claim 6, Okabe as modified teaches the method of claim 1, wherein a delivering step and the providing step are performed at a data transfer rate that is substantially equal to the highest data transfer rate available to any computer software application that is in communication with the data set (Col. 3 Ln. 42 – 48).

19.   As to claim 7, Starkey teaches the method of claim 1, wherein the first data

element is representative of a name, a dimension, a size, a command, a status, or a link

(Col. 6 Ln. 30 – 41).

20.   As to claim 10, Starkey teaches the method of claim 1 wherein the data set is

capable of being copied, revised, or deleted by a user (Col. 11 Ln. 5 – 6).

21.   As to claims 11 and 19, see the rejection of claim 1.

22.   As to claim 13, see the rejection of claim 4.

23.   As to claims 14 and 15, see the rejection claims 6 and 7 respectively.

24.   As to claim 18, see the rejection of claim 10.

25.   **Claims 2,3,8,9,12,16,17 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over U.S. Pat. No. 5,375,219 to Okabe in view of U.S. Pat. No. 5,

592,664 to Starkey as applied to claim 1 above, and further in view of U.S. Pat. No.

5, 446,841 to Kitano et al.

26.   As to claim 2, Okabe is silent with reference to the method of claim 1, comprising

the additional steps of: storing, from the second computer software application to the

first data element, an acknowledgment responsive to the signal and delivering, from the first data element to the first computer software application, a response corresponding to the acknowledgment.

27. Kitano teaches the method of claim 1, comprising the additional steps of: storing, from the second computer software application to the first data element, an acknowledgment responsive to the signal and delivering, from the first data element to the first computer software application, a response corresponding to the acknowledgment (Col. 6 Ln. 44 – 67, figure 12 Col. 11 Ln. 1 – 13).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kitano and Okabe because the teaching of Kitano would improve the system of Okabe by providing a means of indicating when the shared memory is ready to accept new data.

29. As to claims 3 and 12, see the rejection of claim 2.

30. As to claim 8, Okabe as modified is silent with reference to the method of claim 1, wherein the first data element corresponds to a link to a second data element, each of the data elements includes attributes, and the attributes of the second data element relate to and differ from the attributes of the first data element.

31. Kitano teaches the method of claim 1, wherein the first data element corresponds to a link to a second data element, each of the data elements includes attributes, and

the attributes of the second data element relate to and differ from the attributes of the

first data element (figure 1 Col. 4 Ln. 37 – 59).

32.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Kitano and Okabe because the

teaching of Kitano would improve the system of Okabe by providing a means of

identifying calling and called processors (Col. 4 Ln. 51 – 59).

33.   As to claims 9,16 and 17, see the rejection of claim 8.
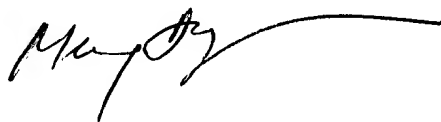
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles E Anya whose telephone number is (703) 305-

3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

                                                  Charles E Anya
                                                  Examiner
                                                  Art Unit 2126

cea.

                                          MENG-AL T. AN
                                   SUPERVISORY PATENT EXAMINER
                                     TECHNOLOGY CENTER 2100